



# Supreme Court of Illinois

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## **CHIEF JUSTICE THOMAS L. KILBRIDE ANNOUNCES AMENDED RULES ALLOWING ATTORNEYS TO REPRESENT CLIENTS ON LIMITED BASIS; EXPECTED TO LOWER FEE COSTS FOR CLIENTS OF LIMITED MEANS**

Chief Justice Thomas L. Kilbride announced Friday that the Illinois Supreme Court has approved a proposal designed to lessen the legal costs in civil cases for clients of limited means.

The proposal deals with a concept known as "limited scope representation" which more than 20 other states also permit. Limited scope representation allows attorneys to provide paid legal services on a portion of a client's legal matter, rather than seeing it through from beginning to end. By providing services, specifically limited by agreement between the lawyer and the client, total legal fees should be more affordable for the client.

The proposal, first made several years ago by the Lawyers Trust Fund, is contained in amendments to three Supreme Court rules. It had the formal support of the Illinois State Bar Association, the Chicago Bar Association and the Illinois Judges Association, who formed a joint task force to study the matter in detail.

The Illinois Supreme Court Rules Committee also held a public hearing on the proposal earlier this year, and widespread support was voiced for the concept there. The Rules Committee also recommended its approval.

"These rules will improve access to Illinois courts for people with limited means," Chief Justice Kilbride said. "The rules enable an attorney to represent a client on a limited part of a lawsuit and then withdraw from the case. The nature of some cases requires full legal representation, but many do not. This will allow lawyers to offer their pro bono services more efficiently, and provide a person the possibility of hiring a lawyer to protect their interests without the burden of paying for complete representation.

"Illinois has a fine judicial system, but it is not perfect. These rules are an example of the Illinois Supreme Court's determination to ensure justice is accessible in Illinois."

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## **Supreme Court Allows Attorneys to Represent Clients on Limited Basis Add One**

The proposal is contained in amendments to Supreme Court Rules 13, 11 and 137. A modified version of the Illinois Rules of Professional Conduct, which became effective for Illinois attorneys in 2010, allowed for limited scope representation. The latest proposal clarifies and encourages its practice through amended procedures.

The amended rules require an attorney to enter into a written agreement with the party disclosing the limited nature of the representation, and then filing a Notice of Limited Scope Appearance with the court. When the legal work required by the limited scope appearance has been completed, the attorney may withdraw on oral motion at a hearing attended by the client. In situations outside of a hearing, an attorney may withdraw by filing a Notice of Withdrawal of Limited Scope Appearance. If no objection is filed to the notice of withdrawal within 21 days, the withdrawal automatically becomes effective.

Modifications to Supreme Court Rule 13 cover the bulk of the changes.

A modification to Supreme Court Rule 11 requires the service of all documents be made on both the party and the attorney while the limited representation is in effect.

Supreme Court Rule 137 was changed to make it clear that an attorney may assist a person who is representing herself in drafting or reviewing a pleading or other paper without making a general or limited scope appearance and without the attorney signing the pleading or other paper, as otherwise would be required. In such an instance, the attorney may rely on the representation of facts as provided by the self-represented person. For example, commentary with the amended rule makes it clear that Rule 137 applies to an attorney who would advise a caller to a legal aid telephone hotline regarding the completion of a form pleading, motion or other paper or an attorney providing information at a pro bono clinic.

Ruth Ann Schmitt is the executive director of the Lawyers Trust Fund (LTF), which first proposed limited scope representation as a means of serving an ever increasing number of litigants who represent themselves, particularly in high volume courts such as small claims, family law and housing. The LTF also strongly believed that limited scope representation would result in an increase in the availability of legal services to those in need because legal aid attorneys would no longer be required to represent clients through every aspect of a client matter.

The co-chairs of the task force were John E. Thies, president of the Illinois State Bar Association; Circuit Judge Ronald D. Spears of the Illinois Judges Association; and Diane F. Klotnia of the Chicago Bar Association.

Steven F. Pflaum is a former chair of the Supreme Court Committee on Professional Responsibility, which also reviewed and favored the proposals.

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